

Sep-09-04 02:03pm From-

RECEIVED
CENTRAL FAX CENTER

SEP 09 2004

T-678 P.001/010 F-028

OPERATOR: Fren

CARELLA, BYRNE, BAIN, GILFILLAN
CECCHI, STEWART & OLSTEIN
5 Becker Farm Road
Roseland, New Jersey 07068
(973) 994-1700
(973) 994-1744 (FAX)

DATE: 9-9-04

TIME COMPLETED: _____

EXT. NO.: 506

OUR FILE NO.: 249550.3

NAME

FIRM:

FAX NO.

USPTO

703-872-9306

FROM: F.C.Hand, ESD

Total Pages Including Transmittal Sheet:

10

COMMENTS: _____

IF YOU HAVE ANY PROBLEMS WITH THIS TRANSMISSION, OR DO NOT RECEIVE THE NUMBER OF PAGES NOTED, PLEASE CONTACT THE FAX OPERATOR AT (973) 994-1700 (EXT. 211)

CONFIDENTIALITY NOTE: The documents accompanying this telecopy transmission contain information from the law firm of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, which is confidential and/or legally privileged. The information contained in this facsimile is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If the one receiving it is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at once. Thank you.

The original of this document will be sent by:

Ordinary Mail
Messenger

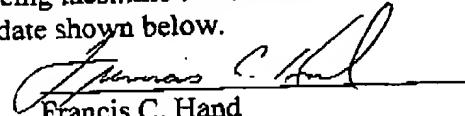
Overnight Mail
This will be the only form of
delivery of this Document

RECEIVED
CENTRAL FAX CENTER
SEP 09 2004

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the USPTO at (703) 872-9306 on the date shown below.

9-9-2004
Date


Francis C. Hand

Art Unit 3711

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Sebastiano Passaniti
Applicants: Frank Thomas
Serial No: 09/845,280
Filed: April 30, 2001
TITLE: A Golf Club Having An Alignment Device Thereon Customer No.:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AFTER FINAL REJECTION

Sir:

This is in response to the Final Rejection dated March 19, 2004.

Remarks

Claims 1 to 27 are in this application.

Claims 5 to 25 have been allowed.

Claims 1 to 4 stand rejected on the grounds of *Res Judicata* in view of the Board of Patent Appeals and Interference decision dated August 15, 2003.

Claims 26 and 27 have been rejected as being unpatentable over Reach in view of JP No. 405329233 (Seisaku).

Based upon the facts established in the attached Declaration of Ralph D. Maltby, the rejections of claims 1 to 4 and 26 to 27 are not warranted pursuant to the provisions of 35 USC 103. Specifically, the Declaration of Mr. Maltby provides new evidence that the rejection of claims 1 to 4 as being unpatentable over Reach in view of Seisaku and the rejection of claims 26 and 27 as being unpatentable over Reach in view of Seisaku are not warranted under the provisions of 35 USC 103.

RECEIVED
CENTRAL FAX CENTER
SEP 09 2004